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PATENT  
Attorney Docket 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Dario C. Altieri et al.**)  
Application No. **10/042,302**) Group Art Unit: **1642**  
Filed: **January 11, 2002**) Examiner: **Alana M. Harris**  
For: **Detection of Survivin in the Biological**)  
**Fluids of Cancer Patients**)

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Transmitted herewith is a Response Under 37 C.F.R. 1.116 in response to the Final Office Action dated February 9, 2005.
2. Additional Papers Submitted:  
(i) Notice of Appeal
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a three-month extension of time from May 9, 2005 to August 9, 2005. If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	38	minus	42	0	\$50 each=	0.00
Independent Claims	5	minus	5	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
					Sub-total =	0.00
					Reduction by ½ for filing by a small entity	0.00
					Total Fee =	\$0.00

5. **Fee Payment:** The Commissioner is hereby authorized to charge **\$510.00** to Deposit Account 50-0310 for payment of the three-month extension of time fee at the small entity rate.
6. **Constructive Petition:** **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 9, 2005**  
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202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**



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